

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LUCAS NEREO, ET AL.,

Plaintiffs,

- against -

SHLEPPERS HOLDINGS, LLC, ET AL.,

Defendants.

22-cv-9505 (JGK)

ORDER

JOHN G. KOELTL, District Judge:

On March 30, 2023, the Court vacated the default entered against defendant Shleppers Holdings, LLC ("Shleppers") and denied the plaintiffs' motion for a default judgment against Shleppers. ECF No. 27. The same day, Shleppers filed its Answer. ECF No. 28. **The plaintiffs and Shleppers are directed to file a Rule 26(f) report by April 21, 2023.**

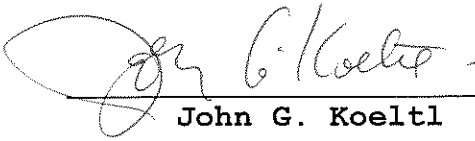
In its March 30 Order, the Court also reaffirmed that April 3, 2023 remained the deadline for defendant Universal Moving LLC ("Universal Moving") to respond to the plaintiffs' application for a default judgment, and the Court reminded Universal Moving that failure to respond to the application could be grounds for granting a default judgment against Universal Moving. ECF No. 27 at 1-2. To date, Universal Moving has failed to respond to the application for a default judgment. **Accordingly, by April 21, 2023, the plaintiffs should file an order to show cause for a default judgment against Universal Moving.**

Finally, the Complaint named Ernesto Del Valle as a defendant in addition to Shleppers and Universal Moving. ECF No. 1. On November 9, 2022, an electronic summons was issued for all three defendants. ECF No. 4. However, the plaintiffs only served the summons and complaint on Shleppers and Universal Moving, ECF No. 6, and later pursued default judgments only against those defendants, ECF Nos. 12, 14. It appears that Del Valle was never served, and the plaintiffs have shown no intention of prosecuting their claims against him. The time for the plaintiffs to serve the summons and complaint on Del Valle now has long since passed. **Therefore, the plaintiffs' claims against Ernesto Del Valle are dismissed without prejudice for failure to prosecute pursuant to Federal Rule of Civil Procedure 4(m).**

The plaintiff is directed to serve a copy of this Order on Universal Moving and Del Valle by **April 10, 2023** and to file proof of service by **April 11, 2023**.

SO ORDERED.

**Dated: New York, New York
April 7, 2023**



John G. Koeltl
United States District Judge